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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,969	01/12/2000	Norman C. Chan	Chan 11	7737

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

EXAMINER
ANWAH, OLISA

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/482,969	CHAN, NORMAN C.	
	Examiner	Art Unit	
	Olisa Anwah	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *12/17/2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *13* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 14-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-3, 6, 7 and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Goldberg et al, U.S. Patent No. 6226360 (hereinafter Goldberg).

Regarding claim 1, Goldberg discloses a method for use in managing outgoing calls in a call center comprising:

initiating a call to a first party from the call center via a communication medium (200);

monitoring the communication medium for signals received from a location associated with the first party after the step of initiating a call (205);

detecting an initial audible signal (monitored parameter) (col. 2, line 54) received from the first party location via the communication medium (col. 2, lines 45-55);

initiating processing of the initial audible signal (monitored parameter) in a call classifier to determine a characteristic of the audible signal (col. 3, lines 50-60); and

playing a prerecorded greeting over the communication medium during the call, the prerecorded greeting being played during a time (decision model continues to analyze the monitored parameters [audible signal] during the entire course of the call to assess whether the message was effectively delivered) when the call classifier is processing the initial audible signal (monitored parameter) (col. 4, lines 50-60).

Regarding claim 2, Goldberg discloses detecting a period of silence on the communication medium (col. 6, lines 15-17) and initiating playback of the prerecorded greeting in response thereto (col. 2, lines 55-60).

Regarding claim 3, see col. 6, lines 20-23.

Regarding claim 6, see Figure 1.

Regarding claim 7, see 200 and 205.

Regarding claim 23, see col. 2, line 54.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4, 8, 10-12, 14-18, 20-22, 24 and 25 are rejected under 35 U.S.C § 103(a) as being unpatentable over Goldberg in view of Jesurum et al, U.S. Patent No. 5430792 (hereinafter Jesurum).

Regarding claim 4, Goldberg as applied in claim 3 teaches the prerecorded greeting ends (entire course of the call) (col. 4, line 58). Goldberg further teaches analysis of monitored parameters [detecting live party or answering machine] is not complete until the prerecorded greeting ends (entire course of the call) (col. 4, lines 55-60). Goldberg does not disclose the step further comprising when the call classifier determines that the initial audible signal was generated by a live party at the first party location, establishing a talk path between the live party and an agent at the call center after playback of the prerecorded greeting has ended.

However Jesurum discloses a method comprising the step of when the call classifier determines the initial audible signal was generated by a live party at the first party location, establishing a talk path between the live party and an agent at the call center (col. 7, lines 30-35). Again Goldberg teaches processing of the initial audible signal is not complete until the prerecorded greeting has been playback (col. 4, lines 55-60). Jesurum teaches when the call classifier determines a live party at the first party location generated the initial audible signal; a talk path is established between the live party and an agent at the call center. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goldberg with a method taught by Jesurum, where when the call classifier determines the initial audible signal was generated by a live party at the first party location, a talk path between the live party and an agent at the call center is established. This modification allows for a live called party to be connected to an agent after an initial audible signal has been processed.

Regarding claim 8, Goldberg discloses a method for use in managing an outgoing call comprising the steps of:

placing an outgoing call to a remote party location over a communication network (200);

processing an initial signal received from the remote party location during the call to determine a source type of the signal (col. 6, lines 20-23);

playing a prerecorded greeting to the remote party location during the step of processing (col. 4, lines 55-60), wherein the step of playing a prerecorded message includes detecting a period of silence after receipt of the initial signal (col. 6, lines 15-17) and initiating playback of the prerecorded greeting in response thereto (col. 2, lines 55-60).

Goldberg teaches the prerecorded greeting ends (entire course of the call) (col. 4, line 58). Goldberg further teaches processing an initial signal received from the remote party location is not complete until the prerecorded greeting ends (col. 4, lines 55-60). Goldberg does not disclose establishing a talk path between a local agent and the remote party location when it is determined that the initial signal is a voice signal that was generated by a live party during the call.

However Jesurum discloses establishing a talk path between a local agent and the remote party location when it is determined that the initial signal is a voice signal that was generated by a live party during the call (col. 7, lines 30-35). Again Goldberg teaches processing of the initial audible signal is not complete until the prerecorded greeting has been played

back (col. 4, lines 55-60). Jesurum teaches establishing a talk path between a local agent and the remote party location when it is determined that the initial signal is a voice signal that was generated by a live party during the call. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goldberg with establishing a talk path between a local agent and the remote party location when it is determined that the initial signal is a voice signal that was generated by a live party during the call as taught by Jesurum. This modification allows for a live party to be connected to an agent after an initial audible signal has been processed.

Regarding claim 10, see 200 and 205.

Regarding claim 11, see Goldberg, Figure 1.

Regarding claim 12, see Goldberg, col. 6, lines 20-23.

Regarding claim 14, see Jesurum, col. 7, lines 30-35.

Regarding claim 15, Goldberg discloses a system for use within a call center, comprising:

a call processing unit operable to place a call to a remote party location via a communication network (200);

a call classifier unit operable to determine when the call is answered, detect an audible signal from the remote party location (col. 2, line 54), and analyze a first detected signal

received from the remote party location to determine whether the first detected signal originated from a live party during the call (col. 6, line 20-23);

a message playback unit operable to playback a prerecorded message to the remote party location while the call classifier unit is analyzing the first detected signal (col. 4, lines 55-60).

Goldberg does not disclose a switch unit operable to establish a talk path between a local agent position and the remote party location when it is determined by the call classifier unit that the first detected signal originated from a live party during the call. However Jesurum discloses a switch unit operable to establish a talk path between a local agent position and the remote party location when it is determined by the call classifier unit that the first detected signal originated from a live party during the call (col. 7, lines 30-35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goldberg with a switch unit operable to establish a talk path between a local agent position and the remote party location when it is determined by the call classifier unit that the first detected signal originated from a live party during the call as

taught by Jesurum. This modification allows for a live call recipient to be connected to an agent.

Regarding claim 16, see Goldberg, col. 6, lines 15-17 and col. 2, liens 55-60.

Regarding claim 17, see Figure 1 and col. 2, line 54.

Regarding claim 18, see Figure 1.

Regarding claim 20, see Jesurum, col. 3, lines 51-52.

Regarding claim 21, see Goldberg, Figure 1, unit 100.

Regarding claim 22, see Goldberg Figure 1 and col. 3, lines 22-26. Also see Jesurum Figure 1 and col. 5, lines 4-20. Jesurum discloses the trunk processor is able to interface with multiple trunk lines to determine whether a received signal originated from a live party during a call (col. 6, lines 29-30). It is clear that the trunk processor and the multiple trunk lines read on the pool of call classifier units so each trunk line mixed with the trunk processor is the claimed call classifier unit because they perform the same task. Goldberg also discloses the controller can place calls to any number of phone of recipients. For each recipient it is determined whether a received signal originated from a live party during a call (col. 6, lines 20-23). It is clear that Goldberg's call controller and the multiple phone lines read on the pool of call classifier units

so each phone line mixed with the call controller is the claimed call classifier unit because they perform the same task.

Regarding claims 24 and 25, see Goldberg, col. 2, line 54.

5. Claim 5 is rejected under 35 U.S.C § 103(a) as being unpatentable over Goldberg in view of Kelly et al, U.S. Patent No. 4941168 (hereinafter Kelly).

Regarding claim 5, Goldberg as applied in claim 3 does not disclose when the call classifier determines that the initial audible signal was not generated by a live party at the first party location, the call is terminated.

However Kelly discloses when the call classifier determines that the initial audible signal was not generating by a live party at the first party location (col. 5, lines 48-53), terminating the call (col. 5, lines 18-20). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goldberg wherein when the call classifier determines that the initial audible signal was not generated by a live party at the first party location, terminating the call as taught by Kelly. This modification allows for calls answered by an answering device to be terminated.

6. Claims 9 and 19 is rejected under 35 U.S.C § 103(a) as being unpatentable over Goldberg in view of Jesurum in further

view of Kelly et al, U.S. Patent No. 4941168 (hereinafter Kelly).

Regarding claim 19, Goldberg as modified by Jesurum as applied in claim 15 does not teach the call processing unit includes means for terminating the call when it is determined by the call classifier unit that the first detected signal did not originate from a live party during the call.

However Kelly teaches the call processing unit includes means for terminating the call (col. 5, lines 18-20) when it is determined by the call classifier unit that the first detected signal did not originate from a live party during the call (col. 5, lines 48-53). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Goldberg as modified by Jesurum wherein the call processing unit includes means for terminating the call when it is determined by the call classifier unit that the first detected signal did not originate from a live party during the call as taught by Kelly. This modification allows for calls answered by an answering device to be terminated.

Claim 9 is rejected for the same reasons as claim 19.

Response to Arguments

7. Regarding the independent claims, Applicant argues that Goldberg plays the message not before but after the

determination is made whether a live person or answering machine answered the call and not during but after processing of the initially detected audible signal. However Applicant does not claim that the prerecorded message is played before the determination is made whether a live person or answering machine answered the call. Applicant claims, "playing a prerecorded greeting over said communication medium during said call, said prerecorded greeting being played during a time period when said call classifier is processing said initial audible signal". In other words the Applicant's claim is directed towards playing a prerecorded message during processing of the initial audible signal. The claim is not directed towards playing a prerecorded greeting before the determination is made whether a live person or answering machine answered the call. Moreover, Goldberg teaches the claimed step of "playing a prerecorded greeting over said communication medium during said call, said prerecorded greeting being played during a time period when said call classifier is processing said initial audible signal". Referring to Goldberg, Figure 2, Goldberg teaches calling a called party (200), receiving an initial audible signal (205) and playing a message (220). Goldberg further teaches that while the message is being played, the initial audible signal is still being analyzed (col. 4, lines 55-60).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.
Olisa Anwah
Patent Examiner
January 31, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600